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piece, parcel, or subdivision of land in said proposed district, the City Council may nevertheless institute said proceedings and make said improvements and/or acquire said land, upon the condition that provision be made for paying the excess over and above said fifty per centum of said true value out of the general fund of the City and/or any other fund available, but unless said provision to pay said excess is made, no proceedings shall be instituted to make said improvement and/or acquire said land. "True Value" in this connection used, shall be defined as meaning that the assessed value placed upon any separate lot, piece, parcel or subdivision of land by the County Assessor of the County of Los Angeles, State of California, or by the City Assessor of the City of Torrance, as shown on the tax roll for the current year shall be considered as being forty per cent of the true value of the particular lot, piece, parcel or subdivision of land referred to. Should the State Board of Equalization hereafter fix and determine the average amount of assessed value of property for the purpose of general county taxation for the County of Los Angeles, State of California, such determination or determinations of such value shall govern for all purposes of levying said assessments upon real property within the City, but should the method of assessing property for general county taxation, in the County of Los Angeles, State of California, hereafter be changed to a true value basis, such basis shall thereafter control for the purpose of levying said assessments upon real property in the City.

(D) Notice, Majority Protest and Number of Improvements in One Proceeding:

In event said proceedings shall be instituted by the City Council, which may or may not include one or more improvements and/or acquisition of land necessary or convenient in connection therewith, after compliance with the requirements and conditions set forth in Subsections (B) and (C) of this Section 44, Art. VIII, notice, containing the information hereinafter specified, shall be given by post card to each owner of land in the district, at his last known address as shown on the tax roll for the current year, and if within the time allowed for filing protests in said proceedings, the owners of a majority of the frontage or area in said district, as the case may be, shall file with the City Clerk written objections or protests to the making of said improvements and/or acquisitions of land, or any one of the same, clearly stating in such written objections or protests the reasons for such objections, and the improvement and/or acquisition to which the objection or protest relates, and clearly defining the description of the property owned by the person filing such objection or protest, then all proceedings in connection with any improvement and/or acquisition against which a majority protest has been so filed, shall thereupon be abandoned by the City Council. The City Council may, in its discretion, continue the proceedings in connection with any improvement and/or acquisition against which a majority protest is not filed as aforesaid. New proceedings covering any such improvement and/or acquisition, or any part thereof, shall not be instituted by the City Council within six months from the abandonment thereof as aforesaid. Said post card notice shall be mailed not less than two weeks prior to the date set for the hearing of protests, and shall call attention to the proposed improvement and/or acquisition and/or improvements and/or acquisitions, give notice of the time and place set for the hearing of protests against the making of such improvement or improvements including said acquisition and/or acquisitions, state where and when any interested person desiring to make any protest, may appear before the City Council to be heard thereon, and advise such owner that written protests may be filed with the City Clerk in connection therewith. If no address appears on the current tax roll said post card may be mailed to said owner at Torrance, California.

(E) Circulation of Petitions For Street Work:

(1) Consent to Circulate Petitions Necessary: Before any petition shall be circulated within the City of Torrance, in which the City Council is petitioned to start necessary proceedings for the pavement and/or other improvement of any street, alley, highway or other public way within the City, consent to circulate such petition must be obtained from the City Council.

(2) Map of Boundary and Estimated Cost of Improvement Required:

No such petition shall be circulated unless such petition is accompanied by a map showing the exterior boundaries of the district to be assessed to defray the cost of the contemplated improvement, and/or acquisition, and no such petition shall be circulated unless accompanied by a preliminary estimate of the cost of the proposed improvement and/or acquisition or both, which cost estimate shall have been furnished by the City Engineer of the City of Torrance, and any request made to the City Engineer that a map be prepared and an estimate furnished as hereinabove provided, shall be accompanied by a cash deposit sufficient to cover all expense and costs of making such map and estimate.

(3) Jurisdiction: As Given to County—Requirements:

In case jurisdiction over any work or improvement shall be, or shall have been, granted by the City of Torrance to another municipality, or to the County of Los Angeles, an estimate of costs of such improvements shall be made by the engineering department of the county, or of the municipality to which such jurisdiction was granted, which estimate shall have been submitted to the City Engineer of the City of Torrance and approved by the City Council before any petition shall be circulated within the City for the improvement of any public way therein.

(4) Owners of Property Affected Must Be Fully Informed as to Costs:

No petition shall be circulated within the City of Torrance for the purpose or purposes set forth in the preceding sub-sections of this section unless direct and full information as to the estimated cost of the improvement or improvement and acquisition as furnished by the Engineering Department of the municipality or County proposing to carry on such work, together with information as to the boundaries of the district to be assessed, to defray the cost of the improvement, or improvement and acquisition, shall have been specifically called to the attention of all property owners whose signature to the petition is solicited, and no petition relating to proposed improvements within the City of Torrance shall be circulated unless approved as to form by the City Engineer of the City of Torrance.

(5) Petitions Specifying Patent Pavement—Requirements:

No petition to place patented pavement, of any type or character, upon any street, alley, road, highway or other public way within the city shall be circulated unless consent so to do has been obtained from the Mayor and four members of the City Council.

(6) No pavement protected by any patent, trade mark, trade name, copyrighted name, or where any device is used in laying the pavement which would tend to prevent competitive bidding, shall be placed on any street,

alley, road, highway or other public way within the City of Torrance unless a resolution is passed by four members of the City Council and concurred in by the Mayor granting such consent.

(F) Excavations:

(1) Permit to Excavate Necessary: The City Council shall require all persons, firms and/or public service utilities or other corporations desiring to make excavations for any purpose whatsoever, in any public streets, alleys or other public ways within the City of Torrance:

(a) Permit:

To secure a permit from the City Engineer so to do before commencing any such excavating.

(b) Replacing Excavations:

To repave, replace and restore, as near as possible, the excavated area to its original condition prior to such excavation, or to bear the costs thereof.

(c) Deposit Required:

To require such persons, firms and/or corporations, before receiving any such permit, to give such bonds, or deposit such moneys, as the Council may prescribe, as a guarantee of the faithful performance of such work, the refilling of such excavation, the restoration, as near as may be, of the surface to the condition existing immediately prior to the making of such excavation, and that said work will be completed to the satisfaction of the Street Superintendent of the City of Torrance.

(d) Default—Penalty:

In the event any person, firm, utility or corporation shall default in any particular as to any obligation herein provided, or upon request of such person, firm, utility or corporation, or on order of the Council of said city, the Street Superintendent shall cause such work of refilling and restoration of the surface of such public street, alley or other public way to be performed and completed by the street department of said city, and the cost thereof shall be deducted from, and paid to said city out of the principal sum of any bond, or deposit paid to said city by such person, firm, utility or corporation.

(e) Fee for Issuing Permit:

The city shall require from the grantee of any permit such fee for issuing such permit, and for inspection, as the Council shall by resolution or ordinance prescribe.

(G) Pipes, Trees, Dirt, Poles—Ordinance—General Law:

To adopt a complete system and procedure by ordinance, for the laying of pipes, or conduits, placing of poles, towers, and other structures within public streets, alleys, public ways or on other public property, or for the planting, care or maintenance of trees, or for the removal of dirt, rubbish, weeds and other rank growths and materials which may injure or endanger neighboring property or the health or welfare of inhabitants of the vicinity, from buildings, lots or grounds and the sidewalks opposite thereto, and for making and enforcing assessments against property benefited or affected thereby or from which such removal is made, for the cost of such improvements or removal and may make such assessments a lien on such property superior to all other claims or liens thereon, except State, County and Municipal taxes, but no such ordinance shall prevent the City Council from proceeding under general laws for said purposes.

(H) Sewer, Water and Gas Connections Provided for:

To make regulations requiring the owner or owners of real property bordering or fronting upon any public street, avenue, lane, alley, way or other public place, in which there exists a public sewer, or a public water main, or public gas main, or other public utility mains or conduits, to connect therewith their several premises by proper laterals or connections, to each lot, provided however, that there shall be at least one such lateral or connection of each class to and for each fifty feet of frontage of such premises, either before or at the same time such street, avenue, lane, alley, way or other public place, or the portion thereof upon which such property fronts, is substantially paved or otherwise substantially improved; and upon default of such owner or owners to cause such connections to be made before or at the same time such pavement or improvement is made, to cause such connections to be made by said city, and to make the cost thereof a lien and charge upon each property or premises so connected, and to make provision for the enforcement of such lien by sale of such premises.

Section 45. Special Assessment Fund For Public Improvements:

(a) Tax Levy: The City Council may establish a public improvement special assessment fund to which the City Council may make appropriations by annual or other special tax levies for the purposes of such fund as herein prescribed, and may establish procedure for the use of the credit of the City for the establishment of said fund, to be used solely for the purpose of financing all the cost and/or the initial cost of public improvements, said cost to be repaid, in whole or in part, from the proceeds of special assessments levied against the property deemed to be benefited unless abandoned.

(b) Bonds:

A bond issue or issues may also be proposed, authorized and sold, as in this charter prescribed, the proceeds of which shall be paid into said special assessment fund for the financing of the initial and/or the entire cost of public improvements provided that said special assessment fund shall be reimbursed by the levy and collection of special assessments, and that the interest and redemption or sinking fund charges on any bonds authorized for such purpose shall be paid from the proceeds of such levy.

(c) Sale of Bonds:

When authorized as herein provided, the Mayor may cause sufficient bonds to be sold at one time to provide funds for the estimated initial and/or entire cost of financing special assessment projects for a period of not to exceed one year. When any public improvement is to be financed in whole or in part from the proceeds of special assessments levied against the land deemed to be benefited, the Mayor shall report to the controller the estimated cost of such improvement, the amount thereof to be levied by special assessment and the estimated amount of the appropriation to be made, if any, from the public improvement special assessment fund to meet the initial and/or entire cost of the project, including progressive payments and other direct or indirect costs chargeable to such project, and shall recommend to the City Council the appropriation of the necessary sum from such special assessment fund.

(d) Interest on Bonds:

The City Council, by ordinance, shall provide for the amount to be added to the contract price and other costs of the work, as interest for the use of the special assessment fund moneys in financing the cost of the improvement fund. Interest at the rate of not more than 7 per cent per annum may be charged on the unpaid balances of special assessments in cases where the owners of property against

which such assessments are levied elect to pay such assessments in installments.

(e) Collections of Special Assessments and Accounts: The amount of all special assessments levied for the payment of work financed out of the public improvement special assessment fund, together with all interest accruing thereon, shall be credited as collected to such special assessment fund. The City Council may prescribe the duties of any city officer or department in maintaining accounts of, and collecting assessments for each such improvement.

Section 46. Acquisition of Land by Agreement for Public Improvements:

Whenever the City of Torrance shall desire to proceed with any public work or improvement in which it shall be necessary or convenient to acquire any land, the City Council may authorize the Mayor to acquire on behalf of the city, such of said land as may be acquired by agreement, by entering into the necessary options or agreements with the parties having an interest therein and/or by securing from said parties the necessary deeds, easements and/or other instruments of conveyance covering the same. Before said options, agreements, deeds, easements or other instruments of conveyance shall be binding upon the city, the same shall be approved and/or accepted by the City Council on behalf of the city. Nothing herein contained shall prevent the City Council from negotiating directly with said interested parties.

Said options, agreements, deeds, easements and/or other instruments of conveyance shall set forth therein the stipulated price thereof, which shall not exceed the "true value" of the land as in this charter elsewhere defined, the severance damages, if any, suffered by the respective parties interested therein, the parties to whom such price and damages shall be paid, and the fact that interest will not be charged upon deferred payments.

In event any deed, easement, or other instrument of conveyance is delivered to the Mayor or the City Council covering any such land, such deed, easement, and/or other instrument of conveyance shall contain conditions subsequent to the effect that the same shall be null and void in event

(a) Said improvement or work shall not be authorized by the City Council or same shall be abandoned, and/or

(b) The amounts specified therein to be paid are not paid within twelve months from the date of the approval or acceptance thereof by the City Council, or unless an extension is granted by the parties at interest therein.

The City Council shall have the right and power to borrow money on short term notes or otherwise, and/or to appropriate money out of said Special Assessment Fund or the general fund or other unused funds for the purpose of paying any and/or all of the above sums, but all sums so borrowed or appropriated shall be repaid out of the assessments levied to cover the cost of such work or improvement. All sums repaid into said Special Assessment Fund or said general fund or any other unused fund aforesaid may be appropriated by the City Council for the same, similar, or other purposes.

Section 47. Vocations, Prohibiting of:

To prohibit in, regulate, and exclude from said city such trades, vocations, hospitals, institutions, asylums, callings, businesses, or industries as the City Council may by ordinance from time to time determine or declare to be nuisances, or obnoxious, dangerous, or offensive to human beings.

Section 48. Rights for Fire Protection:

(a) To require the owners, lessees or occupants of buildings or other structures within said city to place upon or in them fire escapes and appliances for protection against and the extinguishment of fire.

(b) To regulate the location of industries, businesses or factories which from their nature, or on account of the material handled, are liable to cause fire.

(c) To prevent accumulation of rubbish and combustible matter where such accumulation may constitute a fire hazard and cause the same to be removed at the expense of the owner of the property where such accumulation occurs and to make any necessary or convenient provision to safeguard against any fire hazard.

Section 49. Zoning:

To exercise to the fullest extent all zoning powers conferred upon municipalities by the Constitution of the State of California, particularly by Sec. 11, Art. XI, thereof, and in this connection and without limiting such powers, said city shall have power to establish, create, abolish, divide and/or unite zones or districts in the city for the public interest, health, comfort, convenience, and preservation of the public peace, safety, morals, order and public welfare; and to establish and/or prescribe the procedure or method by which such powers may be exercised and/or rendered effective. Reasonable consideration shall be given in all cases, among other things, to the character of the district, its peculiar suitability for particular uses, the conservation of property values and the direction of building development.

Section 50. Permits to Use Streets:

To grant permits, except when prohibited by this charter or the Constitution, to any person, firm or corporation to use the public streets, avenues, ways, highways, alleys, places of public property of said city, upon such terms and conditions as the Council may by ordinance prescribe, and which said permits shall be revocable by the Council at any time without notice.

Section 51. Permits Revocable:

Permits revocable at will of the City Council for such minor or temporary utility purposes and privileges as may be specified by general ordinance may be granted or revoked by the City Council from time to time in accordance with the terms and conditions prescribed thereby and such permits shall not be deemed to be franchises as the term is used in this charter. Such general ordinance, however, shall be subject to the same procedure as an ordinance granting a franchise and shall not be passed as an emergency measure.

Section 52. Street Naming, Numbering Houses, Signs, etc.: To provide for the naming of the streets and public places, and the assignment of house numbers, within said city, and to regulate or prohibit the exhibition or placing of banners, flags, placards, signs, advertising matter or posters, in, upon or across the public streets and sidewalks, or other public places within the said city.

Section 53. Killing Songbirds:

(a) No person shall shoot, or otherwise willfully destroy the life of any mockingbird, robin, meadow lark, thrush or any songbird within the City of Torrance.

(b) Any person violating the above provision, and who shall be found guilty of such violation, shall be punished by a fine not to exceed \$50.00, or by imprisonment in the Torrance City Jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment.

Section 54. Consolidations and Assumption of Bonded Indebtedness:

The City of Torrance shall never consolidate with or annex to any other municipality, or assume any part of the bonded indebtedness of any other municipality or district, unless two-thirds of the electors qualified to vote at the preceding general municipal election shall vote in favor thereof at an election called for that purpose.

Section 55. Incidental Powers:

To do and perform any and all other acts and things appropriate to a municipal corporation, which are not specifically forbidden by the Constitution, or which may be for the general welfare and good of the people of said City of Torrance, and no enumeration of powers in this charter shall be taken to imply any limitation of the foregoing general grant of power.

Section 56. Penalties for Violation:

To make the violation of any provision or provisions of its ordinances, and/or of this charter, a misdemeanor, and to prescribe in such ordinances forfeitures, penalties and punishments for the violation thereof, which punishment shall be by fine or imprisonment, or by both fine and imprisonment; but no such punishment shall exceed a fine of five hundred dollars, or six months' imprisonment, or both.

Section 57. Construction of Powers:

The powers herein conferred are to be liberally construed for the purpose of promoting and securing the well-being of the municipality, its inhabitants and the public therein.

ARTICLE IX. POWERS, WHERE VESTED

Section 1. Executive and Administrative Powers:

The executive and administrative powers of the City of Torrance shall be vested exclusively in the Mayor, and such other executive or administrative officers, departments, or authorities, as may be vested with the same by this Charter, and where not vested in an executive or administrative officer, department, or authority, the same shall be exercised by the Mayor. In no event shall the City Council exercise executive or administrative powers unless the same be conferred on the City Council by general law or the Constitution of the State of California, or in specific terms by this charter.

Section 2. Legislative Powers:

Subject to the limitations and restrictions in this Charter contained, the legislative powers of the City of Torrance shall be vested in the people through the initiative and referendum, and in a body to be designated the City Council, provided, however, that such legislative powers shall be exercised by the City Council subject to the veto power of the Mayor as herein prescribed. But in no event shall said veto powers be construed to extend to powers of appointment or removal conferred upon the City Council by this Charter.

Section 3. Judicial Powers:

The Judicial Powers of the City of Torrance shall be vested in the Police Court hereinafter created and established.

ARTICLE X. APPOINTIVE OFFICERS

The appointive officers of the City of Torrance shall be: Chief of Police, Chief of Fire Department, Assistant Chief of Fire Department, City Engineer, Street Superintendent, City Attorney (who shall be ex-officio City Prosecutor) Such other officers as may be designated by ordinance.

ARTICLE XI. APPOINTIVE POWERS AND GENERAL PROVISIONS REGARDING APPOINTEES

Section 1. Appointees of Mayor and City Council:

The following appointive officers shall be nominated and appointed by the Mayor and confirmed by at least a three-fifths vote of the City Council:

- Chief of Police
Chief of Fire Department
Assistant Chief of Fire Department
City Engineer
Street Superintendent

Such other officers as may be designated by ordinance.

Should the Mayor, in any case, fail or refuse to nominate and appoint any appointive officer to any appointive office hereunder, within thirty days after the creation of such office, or a vacancy occurs therein, then the City Council shall appoint such officer.

Section 2. Appointee of City Council:

The City Attorney, who shall be ex-officio City Prosecutor, shall be appointed by at least a three-fifths vote of the City Council. The latter may designate some other person as city prosecutor.

Section 3. Appointees of Mayor and Heads of Departments:

All assistants and employees shall be appointed by the Chief or head of the respective department with the consent and approval of the Mayor, except subordinate officers, assistants and employees in the Police Department.

Section 4. Appointees of Chief of Police:

The Chief of Police shall appoint all subordinate officers and employees of the Police Department.

Section 5. Appointees—Terms of Office:

All appointive officers, subordinate officers and assistants and employees shall hold office at the pleasure of the respective appointive power, and/or as otherwise provided herein, provided, however, that all appointees of the Mayor, and/or appointees of the Mayor who are confirmed by the City Council, shall hold office at the pleasure of the Mayor.

Section 6. Salaries of Appointees:

The salaries of all appointive and elective officers, subordinate officers, assistants and employees shall be fixed by the City Council except as in this Charter otherwise provided.

Section 7. Qualifications, Suspension and Removal of Assistants and Employees and Subordinate Officers:

Except as herein otherwise provided, the head of each respective department, commission or authority, hereby established shall have full power to prescribe the qualifications of, and to suspend and remove all appointees, subordinate officers, assistants, or employees, of such department, commission or authority, and every assistant and employee however, must be and remain a resident of the City of Torrance during the time he or she remains an appointee. Should any such appointee cease to be a resident, his employment shall likewise thereupon cease.

ARTICLE XII. EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS, BOARDS AND COMMISSIONS

Section 1. Executive and Administrative Departments:

There is hereby created the Executive and Administrative Departments hereinafter mentioned. The City Council shall have plenary power to create such other departments or divisions of the City Government as it may deem advisable; provided, however, that the Mayor shall likewise have plenary power, to consolidate any departments or divisions of the City Government, and/or any of the functions or duties thereof, and to alter, modify, change, transfer, or consolidate or otherwise regulate the duties of any of the heads or chiefs, subordinate officers, or assistants or employees, of said departments or divisions.

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